

Translation
of the OFFICE ACTION of the German Patent and Trademark Office



Date of the Office Action: November 20, 2007
Date Received: December 3, 2007
Official File Number: 100 59 662.2-31
Applicant/Owner: Pentax Corp.
Our reference: A 9224 DE

Request for examination, fee paid on October 22, 2007

Documents filed on received on

The examination of the above-identified patent application has led to the result summarized below.

A term of

4 months, i.e. until April 3, 2008

is granted for reply. This term commences upon delivery of the Office Action.

Any documents attached to the response (e.g. patent claims, description, parts thereof, and drawings), should each be filed in **duplicate** and on separate sheets. The response itself is required in single copy only.

If the patent claims, the description or the drawings are amended in the course of the procedure and the amendments have not been proposed by the German Patent and Trademark Office, the applicant has to state in detail where in the original documents the features of the invention described in the new documents are disclosed.

- ☐ If the amendments suggested by the German Patent and Trademark Office are accepted by the applicant without further changes, the clean copies must be accompanied by a declaration stating that the clean copies do not contain any amendments going beyond those suggested by the German Patent and Trademark Office (§ 15, paragraph 4 Patent Regulations).
- ☐ In this Office Action the following document/s is/are cited for the first time.
(If numbered, this numbering is applicable also to the further procedure):

NOTICE REGARDING THE POSSIBILITY OF BRANCHING OFF A UTILITY MODEL

The applicant of a patent application filed with effect in the Federal Republic of Germany can file a utility model application relating to the same subject-matter while claiming the application date of the prior patent application. This branching off (§ 5 Utility Model Law) is possible until the expiration of two months after the end of that month in which the patent application has been settled by legal rejection, withdrawal at the applicant's own free will or fictitious withdrawal, an opposition procedure has been concluded or - in the case of the grant of the patent - the term for lodging an appeal against the decision to grant a patent has lapsed without an appeal having been filed. More detailed information on the requirements for a utility model application, including this branching off, is to be taken from the information sheet for the filing of utility model applications (G 6181), which can be obtained free of charge at the German Patent and Trademark Office and the Patent Information Centers.

- (1) US 5,887,819 A
- (2) US 5,583,566 A
- (3) US 4,841,363 A
- (4) DE 195 01 581 C2
- (5) US 5,627,584 A
- (6) US 5,034,888 A
- (7) US 5,894,322 A

This Office Action is based on claims 1 to 6 as of the application day.

I. As regards claim 1:

From document (1) there is known an electronic endoscope system (Title: "Endoscopy System"; Fig. 2: Video Endoscope 46) including

a scope having a solid-state image sensor provided at the distal end thereof for generating image-pixel signals (common in this technical field; is implied to the skilled person; does not constitute an important feature of the invention; column 6, lines 7 to 17),

an image-pixel processing unit for generating a video signal based on the image-pixel signals (Fig. 2: Video Subsystem 34j ... 34k), and

a monitor for displaying an endoscope image in accordance with the video signal output from the image-pixel processing unit (Fig. 2: CRT Display 60, TV Monitor 62),

characterized

by a display-changing system (Fig. 5; column 15, line 17 to column 16, line 11) which changes the display on the monitor between display of the endoscope image and display of a patient-data list (Fig. 4 with associated description, column 12, line 41 to column 13, line 43: masking 102, keying 104, VGA-, video-source-, CPU-generated overlaying 106, in connection with Fig. 1 and Fig. 2; column 6, lines 59 to 67),

by a storage system (necessary, matter-of-fact, common in the technical field, implied to the skilled person; Fig. 1: databases 24),

that stores patient data forming the patient-data list displayed on the monitor (column 23, lines 50 to 59: database, patient text and image data, user interface, structured menu; column 39, line 36ff: "Patient data records are stored in a relational database ..."; column 47, lines 19 to 21: "A query for patient name John Smith yields a list of matches ..."), when the display-changing system changes the display on the monitor from display of the endoscope image to display of the patient-data list (necessary, matter-of-fact, common in the technical field, implied to the skilled person),

by a selection system (column 38, line 49: Information Processing Control 250), which selects individual data from the data list displayed on the monitor (column 38, line 49 to column 39, line 13: "... the user is first greeted with a list of available forms ... The user may select an existing form, ..."; "... the user picks an existing form ..."; "Upon retrieving the list of available responses, the user is shown the list and allowed to pick an item from the list".) (The measure of adopting such user guidance and user interface, which were commonly used on the application day, was, of course implicitly transferred by the skilled person also to the special case of patient data and patient-data lists), and

by a display-control system

which displays the selected, individual patient data together with the endoscope image on the monitor (column 31, line 53ff: Menu Manager Engine (MOM) 300; column 32, lines 23 to 24: "MOM 300 is designed to handle any number of "windows" on a display screen."), when the display-changing system changes the display on the monitor from display of the patient-data list to display of the endoscope image (common in the technical field and implied to the skilled person on the application day).

Thus, all the features of claim 1 are either explicitly known from document (1) or are implied therein to the skilled person. Claim 1 is therefore not allowable because its subject-matter lacks novelty.

II. As regards subclaims 2 to 6:

With claim 1 not allowable, the subclaims 2 to 6 which are depending thereon are not allowable either for formal reasons. Moreover, no features which are considered inventive in themselves can be taken from claims 2 to 6 according to the Examining Division's present opinion.

In fact, the additional features of dependent claims 2 to 6 can either be taken directly from the cited prior art or merely constitute possible embodiments and measures which do not go beyond the skilled person's normal expert knowledge.

The measure of editing patient data according to claim 2 is necessary and is disclosed in document (2) (Fig. 31 and column 25, lines 20 to 25: Patient Data Management P9). The measure of editing the contents of data bases in general and of presentations including image data can be explicitly taken

from document (1), too (column 24, lines 3 to 16 and column 30 lines 10 to 62, respectively).

As regards the feature of claim 3, the Examining Division refers to document (1) (Fig. 8, image scaling, zoom processing, multilayer compositing, font selection and sizing).

As regards the subject-matter of claim 4, the Examining Division again refers to document (1) (column 11, line 55ff: "2. Synchronization functions: ... display synch, pixel clock control and synch conversion;"; column 24, lines 31 to 64: "... adjustment of pixel clock rate, synchronization of video signals from multiple input sources, conversion of a variety of input signals to different output signals or resolutions, ...").

As regards the possibility of manual operation according to claim 5, the Examining Division again refers to document (1) (Fig. 2: keyboard, mouse, pointing devices 58).

Settlement of data input and changes to data according to claim 6 is common in the technical field, in particular as regards data to which a certain importance is assigned.

III. Further prior art documents

In document (3), an endoscopic television system is disclosed in which the image taken by an image converter integrated in an endoscope is fed to a monitor as a video signal, wherein characters which are input by means of a keyboard and stored by means of a character generator are fed to the one input of a mixer means, the video signal being fed to the other input thereof,

and wherein the output of the mixer means carries the composite image-character signal which is displayed on the monitor (Claim 1, Figs. 1, 2, 3).

From document (4) there can be taken an operation device for apparatus combinations of medical-technical system-workplaces that include an endoscope (column 3, line 35ff, column 4, lines 10 to 24), wherein individual apparatus of the apparatus combination can be connected to a computer with a monitor and can be controlled via foot-actuated operating devices (Summary; Fig. 1, Figs. 4a to 4f).

Besides the already cited document (2), documents (5), (6) and (7) were considered relevant by the USPTO in respect of the "US family member" of the present patent application.

IV. Conclusions:

In case that the applicant believes that the subject-matters of the claims do include features or measures having importance as to patentability, applicant is invited to explain this in detail, giving the reasons therefore, and to file a new claim 1 directed thereto together with subclaims adapted to such a new claim 1 and description pages adapted and revised the usual way where the relevant prior art is considered.

With the documents presently on file, grant of a patent is not likely to be expected. On the contrary, rejection of the application must be reckoned with.

Should a response in this matter not be intended, an informal note confirming receipt of this Office Action is requested.

Examining Division for Class H 04 N

Name of the Examiner: Dipl.-Ing. (TH) M. Albert
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Issued

[Illegible signature]

Employee

[Stamp of the German Patent and Trademark Office]

Enclosures:
Copies of 7 citations

End of translation